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**JUL 22 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Alpert et al. :  
Application No. 10/773,130 : DECISION GRANTING PETITION  
Filed: February 5, 2004 :  
Attorney Docket No. 123130.00004 :

This is a decision on the petition under 37 CFR 1.53, filed June 17, 2004, requesting that the above-identified application be accorded a filing date of February 5, 2004, with Figures 15C-15E described in the specification as part of the original disclosure.

On February 5, 2004, applicants filed the above-identified application. On May 12, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of February 5, 2004, and advising applicants that Figures 15C-15E appeared to have been omitted.

In response, on June 17, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 26 sheets of drawings on February 5, 2004. Additionally, applicants submitted 1 sheet of drawings, including Figures 15C-15E.

Upon review of the record, Figures 15C-15E, deposited on February 5, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on February 5, 2004, included Figures 15C-15E, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figures 15C-15E, was complete on filing and will be granted a filing date of February 5, 2004.

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Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 50-1752.

The Office of Initial Patent Examination is directed to accorded the above-identified application a filing date of February 5, 2004, using the 25 sheets of drawings containing Figures 1-15B and 16-23 supplied on February 5, 2004, and the one (1) sheet of drawings containing Figures 15C-15E supplied on petition, and for indication in Office records that 26 sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

*Christina Tartera Donnell*

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Senior Petitions Attorney  
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